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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,325	12/15/2003	Mario Meggiolan	CAM3-PT032.1	3694

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PHILADELPHIA, PA 19103

EXAMINER

YEAGLEY, DANIEL S

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/736,325

Applicant(s)

MEGGIOLAN, MARIO

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-18 and 20-31 is/are rejected.
- 7) ☒ Claim(s) 6-11, 19 and 32-39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/951,549.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/15/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because the form and legal phraseology often used in patent claims, such as "**means**" and "said," should be avoided, note line 4, change the word "Means" to --arrangement--.

Correction is required. See MPEP § 608.01(b).

2. The incorporation of essential material in the specification **by reference to a foreign application or patent**, or to a publication is improper Note: [page 1, paragraph 3]. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

3. The disclosure is objected to because of the following informalities: page 1, paragraph 3, line 4, the year "2003" pertaining to the year filed should be changed to --2000--.

Appropriate correction is required.

### *Claim Objections*

4. Claims 2, 6, 7, 19, 20, 28, 29, 32 and 33 are objected to because of the following informalities:

- a. Regarding claims 2 and 28, the terms "*the body*" lack proper antecedent basis.
  - b. Regarding claims 6, 19 and 32, the terms "*the frame of the bicycle crank axle*" lack proper antecedent basis.
  - c. Regarding claims 7, 20 and 33, the terms "*the lower surface*" lack proper antecedent basis because .
  - d. Regarding claim 29, the term "*the external surface*" lacks proper antecedent basis.
- Appropriate corrections are required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5, 12 – 13, 18, 20 – 26 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Regarding claims 5, 18 and 31, lines 3, the terms "*the orientation*" lack antecedent basis because it is unclear what directional range or position is encompassed with the limitation of the orientation.
- b. Regarding claims 12 and 20, last line, the terms "*the housing of the crank axle*" lacks antecedent basis because the term "frame" was used to reference the crank axle.
- c. Regarding claim 21, line 1, the term "*the housing*" lacks sufficient antecedent basis because it is unclear if applicant is referring to the housing cited in of the control unit or the housing of the crank axle.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1 - 3, 14 - 16 and 27 - 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuboi et al '443.

Tsuboi shows an integrated control and power unit for a bicycle (figure 9) comprising a housing (figure 6) for an electronic control unit 90 which consists of an annular cylindrical style seat 871, wherein a holder container 2 for batteries 26R, 26L provides a quick coupling means (figure 8) that when coupled provide electrical connection between the batteries 26 and the control unit 90, such that the quick coupling means having a somewhat circular seat 871 formed in the body of the housing of the control unit of figure 6, such that a mating somewhat cylindrical end portion of the battery holder 2 can be received in the seat and include one or more electrical contacts 28, 29 (figure 5) on an external surface suitable for engaging contacts 108,

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109 in the seat once coupled (figure 6), wherein the electrical contacts on the end portion of the battery holder further shows a conductive ring at the cylindrical end portion

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 17, 18, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuboi et al '443 in view of Tashiro '982.

Tsuboi disclosed an integrated control and power unit having electrical contacts of a conductive ring at the cylindrical end portion of the battery holder but failed to show the electrical contacts on the external surface of the end portion of the battery holder.

Tashiro shows a battery holder container for use aboard a bicycle, wherein the electrical contacts for the battery holder are positioned on the external surface surrounding the end portion of the battery holder that consists of a ring of conductive material and which further maintains the orientation of the battery holder container about an axis of rotation despite the orientation of the holder about the axis as broadly claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the electrical contact coupling means for the battery holder of Tsuboi integrated control and power unit utilizing an alternative electrical contact arrangement such like that suggested by Tashiro simply as a more convention electrical contact arrangement

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incorporating a conductive ring on the exterior surface of the battery holder that maintains a connection about an axis of the battery holder as suggested by Tashiro which is a well known type of electrical contact arrangement in the electrical battery powered art.

***Allowable Subject Matter***

6. Claims 6 – 11, 19 and 32 - 39 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 12 – 13 and 20 – 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meggiolan '166 show a control and power unit for aboard a bicycle.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is 703-305-0838. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.

  
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